

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MARIA ELENA CHAVEZ LETONA,
Plaintiff,

v.

CASE NO.: 1:23-CV-24299

AMOR DE JESUS CORP., et al.,
Defendants.

_____ /

STATEMENT OF MATERIAL FACTS IN SUPPORT OF SUMMARY JUDGMENT

COME NOW, the Defendants by and through undersigned counsel, and pursuant to Rule 56.1, Southern District of Florida, local rules, and states as follows:

1. Mr. Jose Machado (“**Machado**”) had “no involvement with Amor De Jesus whatsoever”. [Exhibit A 23:4-6].
2. He had been to facility “a couple of times” possibly to pick up or drop off groceries or other items. [Exhibit A 23:7-22].
3. Although Machado is not ‘involved’ in any way with the day-to-day operations of the business, he is the sole owner. [Exhibit A 24:3-4].
4. His ownership, however, is purely “on paper” and as previously emphasized, he is “not involved with any of the financials” and it is his “wife’s business”. [Exhibit A 24:5-18].
5. In addition, he receives no profits or monetary funds from the business. [Exhibit A 24:11-14].
6. In fact, since 2013, Machado has been gainfully employed at a “full-time job” working for Citi Bank. [Exhibit A 19:13-22].
7. Prior to 2013, he was working full time at HSBC as a teller, then a consumer banker, and ultimately a licensed banker. [Exhibit A 20:3-6].

8. Ultimately, Machado indicated in his deposition that there is no other “individual responsible for overseeing the business operations” other than his wife, Aminta Machado Quinonez. [Exhibit A 26:11-14].
9. Ultimately, Machado is the “owner” in title only, having no operational control, or other ability to direct the employment of the Plaintiff. [Exhibit A 24-26].
10. With respect to the FLSA claims in Count I and Count III, Plaintiff alleges damages accruing January 1, 2020; January 1, 2021; September 30, 2021; and September 30, 2022. [DE1 ¶ 31]. Any claims, with respect to any named defendant, which accrued prior to November 9, 2021, are barred by the applicable statute of limitations as to Counts I and III.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading has been electronically filed and served via EM/ECF on this 13th day of May 2024.

By: Emmanuel Perez
Emmanuel Perez, Esq.
Fla. Bar # 586552

LAW OFFICE OF EMMANUEL PEREZ & ASSOCIATES, P.A.
901 Ponce De Leon Blvd., Suite 101
Coral Gables, FL 33134
Tel: (305) 442-7443
Fax: (305) 441-9218
E: perez@lawperez.com

MARIA ELENA CHAVEZ LETONA vs AMOR DE JESUS, et al.
Machado, Jose Noel on 04/19/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:23-CV-24299-MORENO/OTAZO-REYES

ORIGINAL

MARIA ELENA CHAVEZ LETONA,

Plaintiff,

vs.

AMOR DE JESUS, CORP.,
SWEET LIVING FACILITY INC.,
JOSE MACHADO,
ZELMIRA QUINONEZ, AND
AMINTA QUINONEZ,

Defendants.

DEPOSITION OF JOSE NOEL MACHADO

TAKEN ON BEHALF OF THE PLAINTIFF

APRIL 19, 2024
1:00 P.M. TO 02:45 P.M.

FAIRLAW FIRM
135 San Lorenzo Avenue, Suite 770
Coral Gables, Florida 33146

REPORTED BY:
NICHOLAS CINTAS, COURT REPORTER
NOTARY PUBLIC, STATE OF FLORIDA

MARIA ELENA CHAVEZ LETONA vs AMOR DE JESUS, et al.

Machado, Jose Noel on 04/19/2024

Page 19

1 a business.

2 Q Okay. And what else did she say about the
3 business?

4 A That's about it. That it was a assisted
5 living facility. And -- but I didn't know if it was
6 going to be under my name or if it was under her name.

7 Q Did she ask you for your permission to be
8 listed as the President?

9 A Yeah, I told her, you know, if you need to
10 have me in some way listed.

11 Q And you agreed?

12 A Yes, she's my wife so.

13 Q Between 2012 and the present, other than
14 working for Citibank and other than being listed as the
15 President of Amor De Jesus. Have you had any other type
16 of employment?

17 A Since when I'm sorry?

18 Q Since 2012.

19 A 2012, yeah, so I began working at Citi in
20 2000 -- I would say October maybe, 2013, as a temporary
21 employee. So, it was a temp contract position for six
22 months, and then I got offered the job full-time.

23 And then, prior to that I was working at
24 HSBC Bank until 2012, maybe until I would say November,
25 when I was going to school at the time, getting my

MARIA ELENA CHAVEZ LETONA vs AMOR DE JESUS, et al.

Machado, Jose Noel on 04/19/2024

Page 20

1 graduate degree or I had some time between jobs like --
2 about, I don't know, four, six months.

3 Q Okay. And so, what did you do at HSBC?

4 A I worked at a branch. Started out as a
5 teller, and then became a consumer banker, and then a
6 licensed banker.

7 Q Can you explain to me the process for becoming
8 a consumer banker?

9 A I guess, it's mainly through job experience
10 when you're a teller and you do a good job of -- as an
11 employee and one of the things that you have to do as a
12 teller is cross sell products, you know, and refer to
13 the bankers, so clients can go and open accounts, etc.
14 So, if you do a good job, I guess, with time, most
15 likely your branch manager will promote you to another
16 role.

17 Q Okay.

18 A Which is the consumer banker.

19 Q So, there's no kind of licensing or
20 certification required to become a consumer banker?

21 A Not for a consumer banker. You're not
22 licensed at that point, but then there's another
23 position where if you want to grow in the bank. Then
24 they have you study for the licenses, if that's
25 something that you want to do.

MARIA ELENA CHAVEZ LETONA vs AMOR DE JESUS, et al.
Machado, Jose Noel on 04/19/2024

Page 23

1 A It could be.

2 Q So, as President of Amor De Jesus, what are
3 your job duties?

4 A No, I have no involvement with Amor De Jesus.

5 Q No involvement whatsoever?

6 A No.

7 Q Okay. Have you ever been to the facility
8 rented by Amor De Jesus?

9 A Maybe a couple of times I did go by and drop
10 off some groceries at the door.

11 Q Have you ever gone inside?

12 A Maybe a little bit. I went inside one time
13 but, it was like a quick thing, just like to pick up
14 some avocado from a tree.

15 Q Okay. From a tree?

16 A From -- in the backyard, yeah.

17 Q Who did you see there? Did you know any of
18 the individuals that were there?

19 A No, I just saw people and some old folks,
20 but --

21 Q Some old folks. Did you see your wife there?

22 A No, not that day.

23 Q Did you see your mother-in-law there?

24 A No.

25 Q As President of Amor De Jesus, do you have an

MARIA ELENA CHAVEZ LETONA vs AMOR DE JESUS, et al.
Machado, Jose Noel on 04/19/2024

Page 24

1 ownership interest in the company?

2 A Yes.

3 Q Are you the sole owner?

4 A Everything is under my name only.

5 Q So, the profits and losses of Amor De Jesus
6 are born only by you, basically you -- you're the only
7 individual who retains the profits of Amor De Jesus?

8 A No, I'm not involved with any of the
9 financials, you know, it's my wife's business, but
10 Amor De Jesus was under my name.

11 Q So, as a 100 % owner of Amor De Jesus, you
12 retain none of the profits of the company?

13 A No, I have my full-time job where I get paid
14 and that's her job, basically.

15 Q Okay.

16 A It's her business. It's just under my name, I
17 guess, but it's not -- I don't really do anything there,
18 so.

19 Q Okay. Other than your wife, is there any
20 other individual who retains the profits of
21 Amor De Jesus?

22 A Not that I know of.

23 Q Other than yourself, has there ever been
24 another owner of Amor De Jesus?

25 A I'm not sure.

MARIA ELENA CHAVEZ LETONA vs AMOR DE JESUS, et al.
Machado, Jose Noel on 04/19/2024

Page 25

1 Q When you and your wife became involved with
2 Amor De Jesus, did you purchase the company from another
3 individual? Was it a pre-existing company or --

4 A I don't know. That's something that she did
5 at the time. So, I don't know.

6 Q Okay. From 2020 to present, can you tell me
7 the managers of Amor De Jesus?

8 A 2020 to present, Aminta Quinonez,
9 Aminta Machado Quinonez, my wife.

10 Q And so, she's been -- your wife, Aminta, has
11 been the only manager or supervisor?

12 A Yes.

13 Q And I believe you said earlier she was also
14 the administrator of Amor De Jesus?

15 A Yeah.

16 Q And between 2020 and now, has there been any
17 other administrator other than your wife?

18 A Not that I know of, no.

19 Q Okay. Can you tell me the names of any of the
20 employees of Amor De Jesus from 2020 to present?

21 A I have no idea.

22 Q Not one?

23 A No.

24 Q What about independent contractors who have
25 performed work for Amor De Jesus. Do you know any of

MARIA ELENA CHAVEZ LETONA vs AMOR DE JESUS, et al.
Machado, Jose Noel on 04/19/2024

Page 26

1 the names of the contractors of the company?

2 A I don't know.

3 Q To your knowledge, who would know the names of
4 the employees of Amor De Jesus?

5 A My wife, Aminta Quinonez,
6 Aminta Machado Quinonez.

7 Q And do you believe that your wife, Aminta
8 would know the names of independent contractors of the
9 company as well?

10 A Yes.

11 Q Other than your wife, Aminta Machado Quinonez,
12 is there any other individual responsible for overseeing
13 the business operations of Amor De Jesus?

14 A No.

15 Q Who opened the bank account for Amor De Jesus?

16 A I believe she did or we both did, maybe.

17 Q Do you remember when that was?

18 A No, don't know the date.

19 Q And without providing me a specific date, can
20 you provide me with an estimate of about how long ago
21 that was? Say, more or less than five years?

22 A It will be more than five years, yes.

23 Q Okay. More or less than 10 years?

24 A I guess it will be when the company was
25 opened. --